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DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-227

2 November 1983

03 NOV 1983

MEMORANDUM FOR: [redacted] STAT
Special Assistant to the DCI

FROM: [redacted] STAT
Chairman

SUBJECT: Prepublication Review

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1. In the aftermath of NSDD-84, an interagency group essentially co-chaired by Steven Garfinkel, Director, Information Security Oversight Office (ISOO), and Richard Willard, Deputy Assistant Attorney General, Civil Division, revised the SCI Secrecy Agreement to expand the prepublication review requirement. It was noted that under the then existing form only SCI information had to be submitted for prepublication review. This was troublesome because, if an individual failed to submit his book or article, it was necessary to go into court, explain what SCI was and then prove that the information which had been disclosed was SCI. This meant that the government might cause itself more damage by bringing suit than it had sustained as a result of the unauthorized disclosure.

2. The new prepublication review standard which was accepted by the Community, and which the DCI promulgated in August of this year, requires submission for prepublication review of not only SCI but also: "any classified information from intelligence reports or estimates; or any information concerning intelligence activities, sources or methods." As a result of this expanded language, it no longer was necessary to prove that the information disclosed was in fact SCI, but only that it related to intelligence.

3. Although the new SCI non-disclosure agreement did not expand the number of people who were under the prepublication review requirement and did not attempt to require prepublication review of any information unless it related to intelligence, there has been concern about the new form. This concern led to a draft amendment to the State Department Authorization Bill, authored by Senator Mathias, which purports to freeze the implementation of any prepublication review requirements adopted after 1 March 1983.

4. On 1 November 1983 [redacted] and I attended a meeting STAT
at Ken deGraffenreid's office to discuss the Mathias amendment. Also present were Messrs. Willard and Garfinkel; [redacted] NSA General STAT
Counsel; Britt Snider, OSD Policy; and Brenda Reger and Paul Thompson of the NSC Staff.

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5. Mr. Willard described a meeting that he and Robert Kimmett of the NSC Staff had with Senator Mathias and his staff. Indications are that Senator Mathias may be willing to compromise on prepublication review but some staff members appear to take a harder line and some concern was expressed that because of media support for the Mathias amendment it may be difficult to obtain any serious changes. Mr. Willard said Senator Mathias informed him that the conference which was convened on 1 November would probably take a long time (January - February 1984) because of certain jurisdictional problems between committees with members involved in the conference.

6. In an effort to convince Senator Mathias and others that the new prepublication review standard which is now in place is necessary, Mr. Willard outlined a proposal that the Senator be provided with examples of books or articles, written by former senior officials who had SCI access, which had not been subject to prepublication review and which contained intelligence information. Mr. Willard and Mr. deGraffenreid will identify a number of such books and then would want CIA and to NSA to review them to confirm whether they disclose intelligence information. Mr. Willard indicated a need to have the results of the study by 16 November 1983 when closed hearings on leaks are scheduled. In order to accomplish this, both the DCI and the DIRNSA will need to make personnel available to undertake the review.

7. Mr. Willard expressed concern that he is carrying the entire burden of NSDD-84 alone. With the exception of General Faurer, he said, no one in the White House, NSC Staff or Intelligence Community has indicated any tangible support. He specifically asked for an expression of support from the DCI. Mr. deGraffenreid said he would try to get this matter on the agenda for the DCI meeting with Mr. McFarlane on 2 November.

8. Mr. deGraffenreid urged that Executive Branch efforts to implement the provisions of NSDD-84 be continued. He did not suggest accelerating the pace but simply continuing what has already been set in motion. Mr. Willard indicated he would have a meeting shortly to attempt to negotiate with Steve Metaxas of Senator Mathias' staff. He invited [redacted] and Mr. deGraffenreid to accompany him to that meeting. Mr. deGraffenreid also indicated that a congressional "champion" is needed to carry the banner for NSDD-84. In the ensuing discussion the names of Senators Denton, Goldwater, Chaffee and Lugar were mentioned. Mr. deGraffenreid indicated that he would explore the possibility of enlisting congressional support for NSDD-84. STAT

9. The above is for your information. [redacted] STAT

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